



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Joerns Healthcare Inc.
File: B-227697
Date: September 18, 1987

DIGEST

Protest that solicitation requirements that hospital beds be retractable, have permanently located constant pressure controls and emergency CPR instant lowering release mechanisms are restrictive of competition is denied where the requirements are reasonably shown to represent minimum needs of the agency.

DECISION

Joerns Healthcare Inc. protests the provisions of Veterans Administration (VA) invitation for bids (IFB) No. 615-28-87 for hospital patient room beds and other furniture for the VA Medical Center, Minneapolis, Minnesota. Joerns maintains that three requirements in the IFB specifications are restrictive and in effect limit the VA to a sole-source purchase.

We deny the protest.

The three allegedly restrictive requirements are found in the specifications governing bed groups I, II, and III. The first requirement, which applies only to the 520 general ward beds of group I, mandates that the beds be retractable; when the head rest is raised the patient must be maintained at the same distance from the bedside stand/cabinet and any wall-mounted life-support equipment. The second and third requirements, respectively, mandate that the constant pressure controls be permanently located in the side rails on both sides of each bed (pendant-type controls are not permitted) and that each bed be equipped with an emergency cardiopulmonary resuscitation (CPR) instant lowering release mechanism at its head. These two requirements apply to the group I beds, the 37 intensive care unit beds of group II, and the 6 telemetry unit beds of group III.

040013

The VA states that these three requirements, relating as they do to safety features that are critical for quality medical care, are necessary to meet the minimum needs of the medical center. First, retractability allows the bed mattress and chassis to be retracted towards, instead of away from, the head wall as the head section is raised, thereby maintaining the patient's close position relative to the head wall, the life-support equipment located on that wall, and the bedside stand/cabinet. This lessens the chances of a patient falling out of bed or having tension placed on patient tubings. Retractability also saves time needed for staff to move around the bed as the bed is shortened when retracted.

Second, permanent constant pressure controls allow both patient and medical staff to be aware of the location of the controls under all circumstances and do not require repositioning whenever the bed is moved. According to the VA, the permanent location of the controls is important when crisis situations arise. Further, permanent controls present no exposed cords or other protuberances which may interfere with patient care, with the movement of the bed, or with life-support equipment tubings. This type of control requires less maintenance since it is not subject to damage by falling to the floor or being bumped during transit and since it does not have linkage wires (as do pendant-type controls) that can pull free from connection points during normal usage.

Finally, the agency explains that an emergency CPR instant lowering release mechanism is essential due to the high percentage of heart-related illnesses among the VA's patient population. This feature saves vital time in an emergency situation because its location at the head of the bed permit a staff member to start immediate resuscitation action without the aid of a second person.

Joerns contends that these requirements are restrictive because only one bed manufacturer, Hill-Rom, can meet them. Joerns further argues that the requirements are not necessary to meet the VA's needs. First, the protester argues that a retractable bed places the patient and life-support equipment tubings at more risk than a non-retractable bed since its position relative to the bedside stand/cabinet, life-support equipment, and the head wall changes more significantly than is the case for a non-retractable bed.^{1/}

^{1/} The protester does not dispute the agency's position that the retractable bed does not move away from the wall. Rather, the protester states that the retractable bed moves a greater distance toward the wall than does the

Joerns also notes that a non-profit engineering firm that performs detailed studies of hospital products has concluded that the features of the Hill-Rom retractable bed increase "convenience and utility" only slightly in general care areas while adding significantly (approximately 25 percent) to the purchase price.

Second, Joerns argues that permanent controls have disadvantages that the VA ignores. For instance, they are covered by the bedding on Hill-Rom beds when the bed rails are up and the head section is articulated to a 60-degree position. If the rails are lowered, the protester argues, the controls are totally inaccessible to the patient. In the protester's view, pendant-type controls are more advantageous since they can be placed anywhere the patient or medical staff wish. Third, Joerns states that the CPR mechanism does not always leave the patient in the correct position, and in any event standard mechanisms give the same results. In sum, Joerns concludes that these features are not worth the cost and unnecessarily restrict competition.

When a protester challenges specifications as unduly restrictive of competition, the procuring agency bears the burden of presenting prima facie support for its position that the challenged specifications are necessary to meet its actual minimum needs. This requirement reflects the agency's obligation to create specifications that permit full and open competition to the extent consistent with the agency's needs. 41 U.S.C. § 253(a) (Supp. III 1985). The determination of the government's minimum needs and the best method of accommodating those needs are primarily matters within the contracting agency's discretion. Bataco Industries, Inc., B-212847, Feb. 13, 1984, 84-1 CPD ¶ 179. Once the agency establishes support for the challenged specifications, the burden shifts to the protester to show that the specifications in dispute are clearly unreasonable. General Electric Co., Mobile Communications Business, B-225381, Feb. 6, 1987, 87-1 CPD ¶ 133.

While Joerns clearly disagrees with the VA's judgment here, it has not shown that the requirements for retractability, permanently located constant pressure controls and an emergency CPR instant lowering release mechanism are unreasonable. The protester does not deny that the retractability feature keeps the patient from moving away from the head wall when the bed is elevated, but questions the agency's conclusion that this results in greater patient

nonretractable bed.

safety and argues that only one manufacture supplies a bed with this feature. Since the record shows that retractability does prevent the patient from moving away from the head wall and thus from any wall mounted life support systems, we have no basis upon which to question the agency's medical judgment that this in fact increases patient safety and thus is a necessary feature.

While as the protester argues, pendant-type controls may be advantageous in some ways, we believe that the agency has shown the advantages--such as greater safety because of the fixed location and better reliability--of having permanently located controls outweigh the advantages of pendant-type controls. Thus the protester has not shown the agency's conclusion to require permanently located controls to be unreasonable. Further, we believe that the record shows that an emergency CPR instant lowering release mechanism permits the saving of vital time in reacting to emergency situations. This is sufficient in our view to establish the reasonableness of that requirement.

Finally, even if the protester is correct in stating that these features are available on only one firm's product (which is not clear from the record), that does not itself make the requirements unduly restrictive as the VA has established that the features are reasonably related to the agency's minimum needs. General Electric Co., Mobile Communications Business, B-225381, supra. Finally, the fact that the three features means that the beds the VA will purchase will be more expensive than the beds it could acquire without these features is irrelevant where those features represent minimum needs of the agency. See Interscience Systems, Inc., B-205458, Mar. 9, 1982, 82-1 CPD ¶ 220.

The protest is denied.

for *Raymond Spoo*
Harry R. Van Cleve
General Counsel